

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAVERICK GAMING LLC,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No.: 22-cv-05325-DGE

**DECLARATION OF CHARLENE  
NELSON IN SUPPORT OF THE  
SHOALWATER BAY INDIAN  
TRIBE MOTION TO DISMISS**

I, CHARLENE NELSON declare:

1. I am the elected Chairwoman of the Shoalwater Bay Indian Tribe ("Tribe"). I make this Declaration in support of the Tribe's Motion to Dismiss. I have served on the Shoalwater Bay Indian Tribe Tribal Council for sixteen years. I have personal knowledge of the facts stated below and would be competent to testify to them in court.
2. The Tribe is a federally-recognized tribe located in Tokeland, Washington on the

1 Shoalwater Bay Indian Tribe Reservation. The Reservation was created in 1866 by an  
2 Executive Order signed by President Andrew Johnson.

3 3. As Chairwoman of the Tribe, I am the presiding officer over the Tribal Council, and am  
4 the highest-ranking officer among the tribal officers. I make this declaration based on my  
5 role as a Tribal member and as the highest-elected official of the Tribe.

6  
7 4. The Constitution of the Tribe Article VI, Section 1(s) delegates sole authority to the Tribal  
8 Council to assert sovereign immunity as a defense and to waive the sovereign immunity of  
9 the Tribe.

10 5. The Tribal Council has not waived its sovereign immunity in this matter nor has it  
11 consented to this Court's jurisdiction to hear the claims brought by the Plaintiff. The Tribal  
12 Council has not authorized any tribal officials or representatives, including the Tribe's legal  
13 counsel representing the Tribe in this litigation, to waive the Tribe's immunity or otherwise  
14 consent to this Court's jurisdiction.

15  
16 6. In 2007, the Tribe incorporated Willapa Bay Enterprises ("WBE") to build a stronger  
17 economic base. Today, WBE operates the Shoalwater Bay Casino, a restaurant, gas station,  
18 a small motel and conference center, oyster company and liquor store.

19  
20 7. Collectively, the WBE employs 120 employees, thirty percent (30%) of whom are tribal  
21 members, tribal spouses or their immediate family, jobs that are critically needed in our  
22 rural community

23  
24 8. The Shoalwater Bay Casino provides a gathering place for the Tribe and members of our  
25 local community who do not otherwise have entertainment and relaxation options in our  
26 small town.

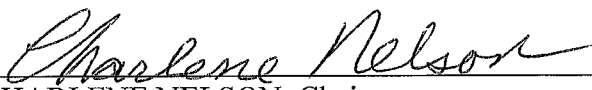
27 9. The Tribe and its tribal members are proud of the investment and growth of the WBE in  
28

our town.

10. I have reviewed the pleading entitled Tribe's [Proposed] Motion to Dismiss, including that section entitled "Historical Context: Shoalwater Bay Indian Tribe" at pages 4 – 9, and upon information and belief, understand the factual statements therein to be true.
11. Attached hereto as Ex. B-1 is a true and correct copy of the following newspaper article: Arthur Santana & Jack Broom, *Shoalwater Tribe, Marshals Face Off—Agents Start to Confiscate Slot Machines*, SEATTLE TIMES, Sept. 23, 1998. .
12. Attached hereto as Ex. B-2 is a true and correct copy of the Order Deferring Decision and Staying Proceedings on Reconsideration Motion, August 23, 2001 issued by United States Department of the Interior Office of Hearings and Appeals, Docket No. NIGC 99-2.
13. Attached hereto as Ex. B-3 are true and correct copies of "Maverick Gaming Press Releases of June 14, 2019; June 27, 2019; August 19, 2019; and October 1, 2019".
14. Attached hereto as Ex. B-4 is a true and correct copy of SHOALWATER BAY INDIAN TRIBE CONSTITUTION.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3<sup>rd</sup> Day of August, 2022.

  
CHARLENE NELSON, Chairwoman  
Shoalwater Indian Bay Tribe